

FIRST REGULAR SESSION

SENATE BILL NO. 393

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

Read 1st time February 3, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1901S.02I

AN ACT

To amend chapter 565, RSMo, by adding thereto one new section relating to capital punishment.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 565, RSMo, is amended by adding thereto one new section, to be known as section 565.047, to read as follows:

565.047. 1. There is hereby established a "Task Force on the Death Penalty". The task force shall consist of the following members:

(1) One member of the general assembly appointed by the president pro tempore of the senate;

(2) One member of the general assembly appointed by the minority floor leader of the senate;

(3) One member of the general assembly appointed by the speaker of the house of representatives;

(4) One member of the general assembly appointed by the minority floor leader of the house of representatives;

(5) Two members of a team, which assessed the state's death penalty system with the support of a national association of attorneys and, in conjunction with the association, issued a report in 2012 on issues central to the analysis of the fairness and accuracy of the state's capital punishment system, to be appointed by the governor with the advice and consent of the senate;

(6) A circuit court judge, to be appointed by the chief justice of the Missouri supreme court;

(7) The president of the Missouri association of prosecuting attorneys or his or her designee;

(8) The president of the Missouri association of criminal defense

22 lawyers or his or her designee;

23 **(9) The director of the Missouri state public defender system or**
24 **his or her designee; and**

25 **(10) The attorney general or his or her designee.**

26 **2. The task force shall be appointed on or before December 1,**
27 **2015. At the first meeting, the task force shall elect a chairperson.**

28 **3. The members of the task force shall serve without**
29 **compensation, but the members shall be reimbursed for necessary**
30 **expenses incurred in the work of the task force.**

31 **4. The task force shall analyze issues relating to the state's**
32 **capital punishment system, including the 2012 Missouri Death Penalty**
33 **Assessment Report published by the American Bar Association and its**
34 **recommendations for promoting greater fairness and accuracy in the**
35 **application of the death penalty. Task force members shall identify**
36 **policies to prevent wrongful convictions and promote fairness in the**
37 **Missouri capital punishment system.**

38 **5. The task force shall report its policy recommendations to the**
39 **governor, the president pro tempore of the senate, the speaker of the**
40 **house of representatives, and the chief justice of the Missouri supreme**
41 **court by January 1, 2018. The task force shall expire January 1, 2018.**

42 **6. Notwithstanding any provision of this chapter or chapter 546**
43 **to the contrary, no execution of a defendant shall take place from**
44 **August 28, 2015, to January 1, 2018. However, during such period, the**
45 **special procedures in cases of first degree murder provided in sections**
46 **565.030 to 565.040 and any other proceedings related to capital cases,**
47 **including motions for postconviction relief, shall continue to be**
48 **operative and shall proceed as if no such moratorium were in place,**
49 **except that no day certain for execution shall be appointed from August**
50 **28, 2015, to January 1, 2018.**

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